

**Remarks of Rep. James A. Leach**  
**Chairman, Subcommittee on Asia & the Pacific**  
**Hearing on “The Internet in China:**  
**A Tool for Freedom or Suppression?”**  
*February 15, 2006*

I am pleased to join Chairman Smith in convening this hearing on the Internet in China, a timely subject that deservedly has been receiving increased public attention.

In addition to Chairing the Subcommittee on Asia and the Pacific, I also serve as Co-Chairman of the Congressional-Executive Commission on China. I note this connection because I would like to commend the groundbreaking work that the Commission staff has done on China Internet issues during the past four years. They have assembled an unparalleled database of English-language resources, including human rights reporting and translations of applicable Chinese laws and regulations, which are available on the front page of the Commission website ([CECC.gov](http://CECC.gov)). I strongly commend these materials to the attention of my colleagues and members of the public who are interested in a deeper understanding of these issues.

As highlighted in the Commission’s annual report, Chinese citizens face increased government regulation of the Internet. Censorship is seldom helpful to any society. We live in an era in which the advancement of human understanding and the growth of the global economy cannot operate effectively without the broadest possible dissemination of knowledge. Ultimately, the Chinese government may not be able to stem the tide of information unleashed by new technologies and by the growing expectations and sophistication of its own population. But in the meantime, the situation of freedom of expression in China remains challenging.

This is a particularly awkward week for the United States to raise human rights concerns about another country given the UN draft report on Guantanamo, as well as the continued ramifications of incidents at Abu Ghraib. But nonetheless, there are issues in U.S.-China relations that cannot be ducked, particularly when they involve the responsibilities of U.S. corporations.

During the past year, the Chinese Communist Party has improved its ability to silence and control political discussion on the Internet. Public security authorities have detained and imprisoned dozens of journalists, editors, and writers, and shut down one quarter of the private Web sites in China for failing to register with the government.

These actions by Chinese officials have implications not only for China, but also for the integrity of the Internet itself, as a worldwide forum allowing the free and instantaneous exchange of information. According to China’s own state-run media, it has “put together the world’s most extensive and comprehensive regulatory system for Internet administration,” and has “perfected a 24-hour, real-time situational censorship mechanism.” A Chinese government delegate to the UN Working Group on Internet

Governance has even been quoted as hoping that China's experience can act as a lesson for global Internet governance. However, we must be vigilant in protecting the basic function of the Internet, lest it devolve into a mere accretion of state-controlled sub-networks.

These issues also bear directly on the development of the rule of law within China. Article 35 of the Chinese Constitution guarantees Chinese citizens the freedoms of speech and of the press. Any restrictions of these Constitutional rights should be openly legislated and transparently applied. In reality, restrictions imposed by officials are often premised upon ill-defined concepts of "social stability," "state security," and "sedition" that mask what is in fact mere intolerance of dissent. Interestingly, it was reported yesterday that a number of senior Chinese ex-officials – including Mao's secretary and a former Editor-in-Chief of the People's Daily – have courageously issued a public letter warning that "depriving the public of freedom of expression" will "sow the seeds of disaster" for peaceful political transformation in China.

The international community should forge a common voice to urge the Chinese government to cease its political censorship of the Internet. In this regard, Secretary of State Rice's announcement yesterday that she is establishing a new Global Internet Freedom Task Force appears to be a constructive initiative.

Some American technology companies have been the focus of recent public attention because of allegations that they have become complicit in the restrictive activities of the Chinese security apparatus. Industry representatives have volunteered to appear today, and this Committee looks forward to hearing their perspectives.

I understand that much of the technical architecture of the Internet is substantively agnostic. The same capacities that enable network administrators to protect systems against destructive viruses and allow parents to protect their children from pornography, also potentially enable political censorship and the monitoring of dissidents. As with so many technologies, the potential for good or ill depends largely on the intent of the user. Thus the challenge is to maintain the promise of the technology, while also refusing to internalize the intent of those who would use those capacities to restrict the parameters of discussion based on its peaceful political content.

From this perspective, certain corporate activities appear at first blush to be problematic. For example, it is difficult to see how altering one's search engine to exclude politically sensitive materials is anything other than voluntary cooperation in content-based censorship by Chinese authorities. The same would appear to be true for the removal or blocking of politically sensitive weblogs or other documents. The potential conflict between this censorship and the provision of alternate news is perhaps most acute with regard to Radio Free Asia and Voice of America. To the extent that a company facilitates efforts by Chinese authorities to restrict such websites, that company undercuts our government's efforts to promote freedom of information.

On a human level, the moral hazards of locating Internet operations inside China are most visible in the cases of Li Zhi and Shi Tao, online writers who were sentenced to 8 and 10 years, respectively, after information allegedly provided by one Internet service provider reportedly enabled Chinese authorities to personally identify and punish them.

Such activities have coercive ramifications for individuals and individual rights in China and unhelpful ramifications for advancing the rule of law in that country. What is interesting is that the censorship practices of American companies do not represent attempts to uphold the rhetoric of the Chinese Constitution. Rather, they are undertaken in response to – or in anticipation of – a threat of commercial or criminal reprisals by the Chinese government which contravene their own Constitution.

It is presently impossible to gauge the leverage that American companies possess inside China because many of the limitations they observe are self-imposed, and were apparently influenced by but not negotiated with Chinese authorities. By preemptively altering their online products to conform to the predilections of Chinese censors, those companies may be diluting the liberalizing pressure created by the desire of the Chinese people to use their original, unaltered products. To note one example, when China temporarily shut down access to Google.com, a significant public outcry developed which helped lead to the eventual restoration of that search service. I worry that by providing a sanitized, censored version of Google, that company may be allowing Chinese censors to avoid the public pressure that otherwise would result from their restrictive decisions. Citizens of China are willing to risk jail for freedom of expression when certain American companies are unwilling to risk profits for the same principle.

In sum, the Internet is an unprecedented tool for the advancement and utilization of knowledge. American search engines and content hosts are considered the most sophisticated in the world. All of us -- governments, industries, and concerned citizens -- should work together to ensure that citizens of China and elsewhere are not denied access to these tools.